



ENVIRONMENTAL & REGULATORY SERVICES  
PECFA  
P. O. Box 8044  
Madison, Wisconsin 53708-8044  
TDD #: (608) 264-8777  
[www.commerce.state.wi.us](http://www.commerce.state.wi.us)

**Scott McCallum, Governor**  
Brenda J. Blanchard, Secretary

## Wisconsin Department of Commerce Bureau of PECFA

### Bid Document

#### SECTION 1 - Scope of Work:

The Bureau of PECFA is seeking competitive bids to perform remedial action services on a petroleum release from a regulated petroleum product storage tank system. The site upon which bids are being solicited is:

**Bid Round Number:** 15  
**Comm Number:** 54835-3108-99-A  
**BRRTS Number:** 03-58-151851  
**Site Name:** Windfall Store  
**Site Address:** 899 N State Rd 40 Exeland WI

**Project Manager:** Tom Kendzierski  
**Project Manager address:** 810 W Maple St Spooner WI 54801  
**Project Manager phone:** 715-635-4057  
**Project Manager e-mail address:** [kendzt@dnr.state.wi.us](mailto:kendzt@dnr.state.wi.us)

|  |                        |
|--|------------------------|
| <b>Bid Announcement Date</b>   | <b>7/31/01</b>         |
| <b>Questions or requests for information must be submitted in writing and received by:</b> | <b>8/3/01 4:00 PM</b>  |
| <b>Responses to the questions will be posted (and if requested, sent in writing) by:</b>   | <b>8/31/01</b>         |
| <b>Bid End Date and Time:</b>  | <b>9/14/01 by Noon</b> |

The site investigation report, upon which bids are being sought, and the successful bid, when determined, are available for inspection at:

**Natural Resources 810 W Maple St Spooner WI**

Please contact the project manager listed above for an appointment.

Copies of the site investigation report can be purchased for the cost of reproduction and handling at the following address:

**The Copy Shop 310 Stuntz Ave, Ashland 54806**

**Phone: 715-682-6567**

**Fax: 715-682-6551**

## **SECTION 2 - Site Specific Bid Specification Requirements:**

### **A) Project Manager Comments**

#### **1) General Comments:**

Windfall Store is located at the intersection of State Road 40, State Road 48, and County Highway D east of Exeland, Sawyer County WI.

Contamination was discovered during an Environmental Site Assessment to determine if a release had occurred at the underground storage tank (UST) system at Windfall Store in 1997. The existing tank system was taken out of service and is scheduled to be removed in July 2001. The tank system consisted of one 500-gallon leaded gasoline UST, two 1000-gallon unleaded USTs, one 1000-gallon diesel UST, three dispensers and associated piping. New tanks were installed and are presently in service.

A potable well exists in the basement of the store. It was sampled at least twice without detects but is deemed at-risk. The basement potable well has not been abandoned. A new drilled well was installed about 70 feet upgradient of the contamination and has tested clean as of the date of the sampling in the SI.

The vapor hazard in the basement of the on-site building was described in the SI as "moderate". Spot checking for vapor hazards on a regular schedule until remediation is complete is recommended. To date, no vapors have been detected.

A Site Investigation was completed in April, 2000. Extensive soil contamination was noted along with exceedances of NR 140 Enforcement Standards in groundwater. Groundwater was described as flowing toward Windfall Lake, located approximately 500 feet southeast of the Windfall Store.

There are a number of potable wells at residences near the site and along Windfall Lake.

#### **NOTES TO BIDDERS:**

Costs for some activities that are necessary for closure may not be PECFA eligible costs. Source control including compliance with Comm 10 for both inactive and active tanks is required for closure under NR 726.05(2)b.1. Existing and any abandoned or unused tanks systems on site must be in compliance with Comm 10 prior to closure.

Soil contamination at this site may exist at this site that is impractical to remove or out of reach of excavators. Any remaining unexcavated soil that does not meet the terms of NR 720, NR 746 or NR 726 as applicable may constitute an obstacle to closure and should be considered in any remedial strategy.

Note that compliance with NR 800 Wis. Admin. Code will be necessary for the existing potable wells at closure if a Groundwater Use Restriction is proposed as a closure option.

Note that verification of the safety of potable water supplies in rural areas such as near Windfall Store is a significant concern to WDNR's Northern Region Closure Committee and verification sampling can be anticipated at any potable well deemed at risk prior to closure.

Adequate property boundary maps and surrounding land use maps must be provided for purposes of the Registry or a Deed Restriction if a Ground Water Use Restriction is included in the remedial strategy.

The Bull in the Woods Tavern northeast of the site also has known contamination. The Windfall Store Site Investigation report concluded that the plumes from the two sites were separate. The case name for Bull in the Woods Tavern is known to WDNR as "Northern Bar, BRRTS # 03-58-000020". Portions of an incomplete SI for Northern Bar/Bull in the Woods was published as an appendix in the Windfall Store SI. No formal SI has been submitted to DNR for Northern Bar. There is very little additional information in the Northern Bar file at DNR-Spooner.

Costs for disposal of any investigative waste which remains on-site prior to the conclusion of bidding are included in the Site Investigation costs and are not to be part of the bid. The six 55-gallon drums of purge water remaining on site will be removed by the current consultant.

Right of way permits are necessary along State Highways and are the consultant's responsibility.

2) The following Environmental Factor(s) were identified in the Site Investigation Report for this site:

- ☒ Documented expansion of the plume.
- ☐ Verified contaminant concentrations in a private or public potable well that exceeds the preventive action limit established under ch. 160, Stats..
- ☐ Contamination within bedrock or within 1 meter of bedrock.
- ☐ Petroleum product that is not in the dissolved phase is present with a thickness of .01 feet or more, and verified by more than one sampling event.
- ☐ Documented contamination discharges to a surface water or wetland.

3) Minimum Remedial Requirements:

General Requirements;

The consultant shall implement and evaluate a remedial strategy to accomplish closure of the Windfall Store contamination site in accordance with NR 726 or NR746 as applicable and NR 140 Wisconsin Administrative Code.

Bidder will provide a detailed narrative on exactly how their remedial strategy will accomplish applicable closure criteria.

The remedial strategy for the site will be evaluated according to the following general goals as necessary to meet applicable closure criteria;

- Contamination source reduction or elimination.
- Protection from direct contact hazards.
- Evaluation and elimination of any vapor hazards to structures and utilities.
- Evaluation and protection of present and future potable water supplies. Of concern are the existing potable water wells on site, nearby, and at residences along Windfall Lake.

- Preparation and submittal of adequate documentation necessary to show compliance with applicable codes and closure criteria.

Specific Requirements;

- Propose a remedial strategy and costs to achieve compliance with NR 700 series and NR 140 Wis. Admin. Code and all other applicable codes.
- Implement an action plan and strategy to meet NR 746 Table 2 values or applicable sections of NR 720 for elimination of direct contact hazards.
- Implement an action plan and strategy for source control for threats to groundwater to meet the closure criteria in NR 726, NR 746 and NR 140 as applicable.
- Existing out-of-service USTs and associated dispensers and piping are scheduled to be removed from the site in July 2001. The consultant must cooperate, assist, or coordinate with any tank removal, or other source control activities such as upgrades of existing facilities, during remedial activities at the site.
- Continue to adequately monitor and evaluate the basement of the Windfall Store for vapor hazards or other safety issues related to the petroleum contamination
- Monitor all monitoring wells quarterly for PVOCs, Natural Attenuation parameters and any other parameters necessary to show a stable or receding plume and to meet applicable closure criteria. Any additional monitoring wells must first be sampled for VOCs, with future sampling to include PVOCs and any detected VOCs.
- Include costs for additional installation and monitoring of one piezometer in the vicinity of wells MW-5, MW-6 and MW-8, plus one water table monitoring well and one piezometer nested downgradient of these wells. The possibility of additional investigation as necessary to document performance of the remedial strategy and to document compliance with applicable closure criteria must be considered in the bid. Piezometers are necessary to define vertical flow patterns and evaluate potential suppression of contamination at the water table downgradient due to infiltration. It is anticipated that the piezometer may be necessary at the most directly downgradient location in the vicinity of wells MW-5, MW-6 and MW-8 if the plume continues to expand. Additional monitoring wells, piezometers and additional potable well sampling may be necessary downgradient of MW-5, MW-6 and MW-8 if the contamination reaches the vicinity of these wells.
- Monitor the two on site potable wells, as well as the potable wells located at 847N and 10469W as noted on Figure 18 of the Windfall Store SI report for VOCs using EPA Method 524.2 semi-annually and as necessary to justify closure. Additional downgradient potable wells may need to be sampled if a stable or receding plume is not established and as necessary to justify closure.
- Monitor any other potable well deemed at risk if a stable or receding plume is not achieved or as required for closure.
- The potable well in the basement of the store must be disabled as a potable water source (disconnected from the structure's potable plumbing) since there is a

replacement well up gradient. The basement well may be considered for abandonment at DNR's discretion if the consultant can justify that it is no longer useful or appropriate as a monitoring point after at least one more round of sampling. Since this well is not a NR 141 compliant monitoring well it must be considered and monitored as a potable well using EPA method 542.2.

Costs for proper abandonment of the basement well should be anticipated prior to site closure. Please note that costs for the abandonment of the potable well are not eligible for reimbursement and should not be included in the bid.

- Right of Way permits are necessary and are the consultant's responsibility.
- Provide status reports, Annual O&M reports and Closure reports as required in Code or requested by the Department.
- Properly abandon all monitoring wells, Abandon any potable wells as necessary and any active remediation system at closure.
- Include eligible closure costs and activities such as but not limited to report preparation, well abandonment, surveys, preparation of property and surrounding land use maps, deed recording, and public notices.

## **B) Bidder's Strategy for Remedial Action**

- 1) Identify the remedial strategy for obtaining a closed remedial action status.
- 2) Specifically describe what element of your proposed strategy will address the environmental factors/risk factors listed above. Also describe how, when, and why it will address them.
- 3) Provide a detailed description of the work to be performed. The description shall provide sufficient detail to establish that the proposed strategy will be successful in achieving the closed remedial action status identified above.
  - a) The detailed description may include, but is not limited to the following:
    - Technologies
    - Estimated years of operation
    - Estimated tons of soil
    - Approximate geometry/depth of excavation
    - Reporting details
    - Estimated years of monitoring
    - Frequency of sampling/number of wells/parameters
- 4) Specifically describe how you will address off-site contamination, if applicable.
- 5) Specifically describe how you will address any direct contact hazards, if applicable.

### **SECTION 3 - Conditions of Bid:**

The successful bidder will be the entity that complies with all provisions of the bid specification and provides the lowest total cost to a defined site closure or no further action required decision. The closure or no further action decision will be made by either the Department of Commerce or the Department of Natural Resources, depending on statutory site assignment. PECFA funding under s. 101.143, Stats., will terminate when the responsible agency determines that institutional controls and notices, if utilized, would achieve a closed remedial status. PECFA funding will terminate regardless of whether the responsible party or other properties accept an institutional controls and notices as required under NR 726. In preparing the bid, the bidder must assume compliance with all applicable codes, including but not limited to Comm 46, Comm 47, and NR 700.

The successful bidder will be determined based upon conformance to and competitiveness under the bid protocol. The first determination will be whether the bidder has complied with all provisions of the bid. These bids will be considered responsive. From the responsive bids, the lowest total cost bid with an approvable approach to bring the site to a closed remedial action or no further action status will be determined.

The successful bid will be available to be viewed at the location identified in Section 1. If two or more bidders tie in the cost comparison, the bid with the lowest consulting cost will be used as the tiebreaker. All bid documents must be signed and sealed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin Department of Regulation and Licensing.

The Department reserves the right to reject any and all bids that meet any of the following conditions:

- The Department believes the remedial strategy is not appropriate to a specific geologic setting.
- From the standpoint of program operations or regulatory responsibility, the Department determines it is in the best interest of the program to not accept any or all bids.

Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the Department with jurisdiction (Natural Resources or Commerce).

The name of the successful bidder, bid amount, proposed outcome and supporting documentation will be provided to the site claimant along with instructions to inform the PECFA program in writing of their intent to either:

- Use the lowest identified bidder or
- Use another service provider.

In either case, PECFA reimbursement is capped at the dollar amount of the successful bid.

A successful bid does not mean or guarantee that all costs in a resultant claim are eligible, reasonable, necessary or reimbursable under the PECFA program.

If a bidder fails to comply with a bid provision the bid response will be determined to be non-responsive. If the bid response is responsive, but not the lowest cost service provider with an appropriate approach, it will be determined to be “non-successful.” Non-responsive and non-successful bidders will not be individually informed of their failure to achieve compliance with the bid specifications or to be the lowest bidder.

The successful bidder may be required to provide input to, and attend a meeting with the PECFA program and the claimant to explain the bid and the remedial approach.

Appeals, by bidders, of decisions regarding complying bids or costs are not allowed, as they do not constitute claimant reimbursement decisions under the PECFA program.

In compliance with this invitation to bid and subject to all conditions thereof, the signatory agrees to the following:

- If the signatory's bid is determined to be the successful, the signatory must, within 15 days of the Department's notification, contact the claimant and confirm that they will provide the remedial services at the cost described within the Bid Response.
- That for a period of 90 days, starting with the Department's notification to the claimant, the signatory will hold firm their commitment to provide the remedial services and prices set forth in the Bid Response.

Failure to abide with the conditions stated above may result in exclusion from future PECFA Public Bidding events.

Questions, answers and interpretations will be considered an amendment of this solicitation. All answers and interpretations shall be in writing from the Program Manager identified in Section 1 of this solicitation. Neither the program nor the Department shall be legally bound by any amendments or interpretations that are not in writing. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid Ending Date. After the date by which questions must be submitted by, identified in Section 1, no further questions will be addressed.

A written response will be provided at: <http://www.commerce.state.wi.us/ER/ER-PECFA-SiteBidding.html> (and mailed to all requesters of the bid package who are not able to access the web site, and who therefore request written correspondence from the program contact).

#### **SECTION 4 - Closure Specifications:**

A bid submitted must provide the total cost, excluding interest but including all closure costs, for the remediation up to approval as a closed remedial action status identified below:

##### **Unrestricted Closure**

**Closure with a NR 140 exemption**

**Closure with groundwater use restriction\***

**Closure with deed notice\***

**Closure with deed restriction\***

**Closure with NR 720.19 soil standards**

##### **Performance based NR 720.19 closure**

**Closure with site specific conditions**

**Closure under NR 726.07**

**Closure under Comm 46/NR 746**

**Mass reduction**

\* **Note:** *PECFA funding under s. 101.143, Stats., will terminate when the responsible agency determines that institutional controls and notices, if utilized, would achieve a*

*closed remedial status. PECFA funding will terminate regardless of whether the responsible party or other properties accept an institutional controls and notices as required under NR 726. PECFA eligible costs may include all closure costs, up to approval as a closed remedial action (i.e. monitoring well abandonment) that are otherwise eligible for reimbursement.*

If the PECFA maximum award for the site/occurrence is not believed to be adequate to remediate the site/occurrence to a closed or no further remedial action status, that belief must be specifically noted in the bid and the remedial effort that will be achieved by the bid amount. For the purpose of the competitive bid the contaminant mass is determined to be: **Not Applicable**. The basis for specifying the progress shall be contaminant mass reduction and be based upon the mass reduction at the following points on the site:

Not Applicable

If the site is reasonably expected to exceed its cap under the PECFA program, bidders may propose mass reduction, the lowest bidder will be determined on the basis of a cost per mass reduction ratio. If some bidders propose mass reduction and others propose costs to bring the site to a closed remedial action or no further action status, selection will be from those bidders proposing a closed or no further action result.

#### **SECTION 5 - Instructions to Bidders:**

By submission of a bid, bidder agrees that during the period following issuance of this solicitation and prior to notification of successful bidder, bidders shall not discuss the bid or bid process except with the program contact designated in this solicitation. Bidders shall not discuss or attempt to negotiate with the claimant, other potential bidders or program staff any aspects of the bid without prior approval of the Project Manager specified. Infractions will result in rejection of the violator's bid and may also result in disqualification of the individual to provide bids and a formal complaint being lodged with the Department of Regulation and Licensing.

The bid submitted shall address all the site specific bid specification requirements identified in Section 2. The bid shall support in detail the strategy to achieve the closed or no further remedial action status or remedial mass reduction goal if applicable. A full remedial action plan is not required as part of the bid submittal. A full remedial action plan may be requested by the program.

If access to the site is necessary for the preparation of a bid, access shall be arranged through the Project Manager. If the Project Manager is not able to arrange site access, this fact will not delay the bid process or negate the comparison and potential selection from among the bids that are submitted. All costs associated with a site visit or preparation of a bid will be the responsibility of the bidder.



The Bid Process must conform to the following:

1. The closed remedial or no further action status to be achieved must be stated using the options available from the list provided in Section 4.
2. Indicate in the Bid Response a contaminant mass reduction proposal if the PECFA maximum award is not believed to be adequate to remediate the site/occurrence.
3. The Bid Response shall address all the site specific bid specification requirements identified in Section 2 and shall support in sufficient detail and succinctly the remedial strategy.
4. The total cost (in dollars) to accomplish the stated remedial goal, including all fees, reporting cost, pre and post closure costs and costs for establishing restrictions or institutional controls but, excluding interest and investigation costs.
5. The costs specified in #4 shall separately identify consulting (non-commodity) costs.
6. The submittal must include an original and two (2) copies of the Bid Response documents signed and sealed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin. Include the appropriate registration number of the professional license.
7. Bids can not be "faxed" directly to the program. Documents received by fax will not be accepted or considered.
8. Bids, amendments thereto or withdrawal requests must be received by the time advertised for bid opening. It is the bidder's sole responsibility to insure that these documents are received by the contact at the time indicated in this solicitation document.
9. All specifications or descriptive papers provided with the bid submission must include the bidder's telephone number and Commerce number thereon. Identify the name of the consulting firm on the 1<sup>st</sup> Page of the Bid Response.
10. The Commerce Number must be on the outside of the envelope in which the bid is submitted. The Department assumes no responsibility for unmarked or improperly marked envelopes. All envelopes received showing a bid number will be placed directly under locked security until the date and time of opening. Include only one Bid Response (an original and two (2) copies) per envelope.
11. Correction of errors on the bid form: All prices and notations shall be printed in ink, typewritten or computer printed. Errors shall be crossed out, corrections entered and initialed by the person signing the bid. Erasures or use of correction fluid will be cause for rejection. No bid shall be altered or amended after the time specified for the bid end date.
12. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid Ending Date.
13. Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the Department with jurisdiction (Natural Resources or Commerce).

14. From the standpoint of program operations or regulatory responsibility, the Department determines it is in the best interest of the program to not accept any or all bids.
15. If bidders consider the bid response to be proprietary information and exempt from disclosure, each part of the Bid Response must clearly marked *CONFIDENTIAL*. If any part is designated as confidential, there must be attached to that part an explanation of how the information is proprietary. The Department reserves the right to determine whether this information should be exempt from disclosure and no legal action may be brought against the State, Department or its agents for its determination in this regard.
16. The Bid Response must be appropriate to the site geologic setting.
17. Ambiguous bids, which are uncertain as to cost, time or compliance with this solicitation, will be rejected.
18. The Department reserves the right to reject any and all bids, and/or to cancel this solicitation at any time.
19. Each bidder shall fully acquaint itself with conditions relating to the scope and restrictions attending the execution of the work under the conditions of this solicitation. The failure or omission of a bidder to acquaint themselves with existing documented conditions shall in no way relieve any obligation with respect to this bid.
20. All amendments to and interpretations of this solicitation shall be in writing from the Project Manager. Neither the Department nor the program shall be legally bound by any amendment or interpretation that is not in writing.
21. This solicitation is intended to promote competition. If the language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in this solicitation to a single source, it shall be the responsibility of the interested bidders to notify the program in writing so as to be received five days prior to the opening date. The solicitation may or may not be changed but a review of such notification will be made prior to award.

**BID RESPONSE**  
**(1<sup>st</sup> Page)**

Department of Commerce PECFA Program

**SITE NAME:** Windfall Store  
**COMMERCE NUMBER:** 54835-3108-99  
**BRRTS NUMBER:** 03-58-151851

Submit Bid To Cathy Voges  
Department of Commerce PECFA Program  
201 W Washington Ave, Madison WI 53703-2790 or  
P.O. Box 8044, Madison WI 53708-8044

Bidder Company: \_\_\_\_\_  
Bidder Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone ( ) - \_\_\_\_\_  
Number:  
Fax Number: ( ) - \_\_\_\_\_  
e-mail Address: \_\_\_\_\_

Bidder: (check one that applies):

|       |                        |       |           |
|-------|------------------------|-------|-----------|
| _____ | Professional Engineer  | _____ | License # |
| _____ | Professional Geologist | _____ | License # |
| _____ | Hydrologist            | _____ | License # |
| _____ | Soil Scientist         | _____ | License # |

Seal

Signature: \_\_\_\_\_

I certify that I have the authority to commit my organization or firm to the performance of the bid I have submitted.

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Total Bid Cost \$ \_\_\_\_\_

Total Consulting Cost (subpart of Total Bid) \$ \_\_\_\_\_

Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04(1)(m)].

BID RESPONSE

(2<sup>nd</sup> Page)

Department of Commerce PECFA Program

|                         |                       |
|-------------------------|-----------------------|
| <b>SITE NAME:</b>       | <b>Windfall Store</b> |
| <b>COMMERCE NUMBER:</b> | <b>54835-3108-99</b>  |
| <b>BRRTS NUMBER:</b>    | <b>03-58-151851</b>   |

Consulting Firm phone number (    ) \_\_\_\_ - \_\_\_\_

This response must address all of the site specific specifications identified in Section 2, and shall support in detail the remedial strategy. Attach additional pages if necessary. *The Commerce Number and Consulting Firm telephone number must be included on all additional pages.*